EXHIBIT U
Excerpts from the
Deposition of Charles Mauro

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF RHODE ISLAND

SUMMER INFANT (USA), INC.
Plaintiff

VS. C.A. NO. 17-cv-549-MSM-PAS

TOMY INTERNATIONAL, INC.
Defendant

CONFIDENTIAL

CONFIDENTIAL

VIDEOCONFERENCE DEPOSITION OF CHARLES L. MAURO, an Expert Witness in the above entitled cause, who appeared remotely, taken on behalf of the Plaintiff, before Linda L. Guglielmo, RPR-RMR, a Notary Public in and for the State of Rhode Island, taken through the offices of Adler, Pollock & Sheehan, PC, on September 25, 2020 at 10:00 A.M.

APPEARANCES:
APPEARING REMOTELY:

FOR THE PLAINTIFF.....ADLER, POLLOCK & SHEEHAN, PC
BY: JEFFREY K. TECHENTIN, ESQ.
JAMIE J. BACHANT, ESQ.
ONE CITIZENS PLAZA
PROVIDENCE RI 02903

FOR THE DEFENDANT.....SAUL EWING ARNSTEIN & LEHR, LLP
BY: JOSEPH M. KUO, ESQ.
161 N. CLARK STREET, SUITE 4200
CHICAGO, IL 60601

produced you need to have some camber in the mold itself, right?

A. Yes, sir, exactly that's right.

MR. TECHENTIN: We can take a break for a few minutes.

MR. KUO: Great. Ten minutes?

MR. TECHENTIN: Yes.

MR. KUO: Thank you.

(RECESS)

Q. Back on the record. Mr. Mauro, is it possible with your training and experience as an industrial engineer and a human factors engineer -- industrial designer and human factors engineer to determine the incline angle of a curved surface, curved in two different directions with respect to another surface that is curved in two different directions?

THE WITNESS: Is it technically possible, is that your question?

MR. TECHENTIN: Yes.

A. Sure. Look at the CAD file. You can do that. But I just want to, since we're back on this, what's important is one of the ordinary skill in the art that's designing infant seating would look at a claim that says the inclination or

angle of the backrest, for example, and they would know that that backrest is curved. One of ordinary skill is not going to confuse this straight line thing with the curve. One of ordinary skill automatically understands when you see an inclination even as a discrete angle, let's say 87 degrees, something like that, that that seat back is actually curved in two dimensions.

Now, could you look at the CAD file and look at the three-dimensional mesh that's used to create three-dimensional shade in the backrest in CAD, you can measure it at any point on that three-dimensional surface, how many directions you want, what is a discrete angle, if you want, with reference to the world or some other reference point.

But what's really important is that one of ordinary skill in the art when they read inclination, they understand curve, that's the way they read that specification.

Q. And is that shown anywhere in the patent?

A. Well, no, because the patent is properly written. It describes, you know, two incline surfaces which are essentially backrests. When a designer, industrial designer, human factors

engineer reads those requirements, they know there is an incline seat here and incline seat here and those incline seats are the curve.

Q. Well, you understand that in the accused product the rim is also curved, right?

THE WITNESS: You're talking about the outer rim itself, the structural rim, structural rim of the whole bath?

Q. I'm talking about the rim as that term is used in Claim 1.

A. Yes, that's correct. What was the question?

Q. In the accused product the rim is curved, right?

A. Yes, sir, it is.

Q. And it's curved in three dimensions, correct?

A. It is.

Q. What is the incline angle of the infant side backrest with respect to the rim in the accused product?

A. I didn't measure it. I don't have that figure.

Q. How would you do that?

A. Again, I'd go back to the CAD file. Don't forget --

Q. Okay. Did you ask for the CAD files?

A. Don't need them, because in the context of